

### REMARKS

In the Office Action mailed on February 11, 2008, the Office took the following actions: (1) rejected claims 1-7 under 35 U.S.C. § 101 because the claims are directed to non-statutory subject matter; (2) rejected claims 1, 8-10, and 12-15 under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. (U.S. Patent Publication No. 2003 / 0228909 'Tanaka') in view of Beerman, Jr. et al. (U.S. Patent No. 6,084,952 'Beerman'); and (3) rejected claims 2-7, 11, and 16-20 under 35 U.S.C. § 103(a) as being unpatentable over Tanaka in view of Beerman, and further in view of Torvinen (U.S. Patent Publication No. 2004 / 0242202 'Torvinen'). Applicant respectfully traverses and further requests reconsideration and withdrawal of the rejections in view of the following remarks.

In this response to Office Action, Applicant has canceled claims 1-20 and added new claims 21-41 to present the claims in clean form. Claims 21-40 correspond to the previously examined claims 1-20 respectively; however the claims are being submitted as new claims as a matter of convenience. Applicant will address the Office's rejections by providing remarks in support of claim 21 to address the rejection of claim 1, and so forth. Claim 41 is newly added and does not correspond to a previously examined claim.

### *Telephone Interview*

Applicant thanks Examiner Goodchild and Supervising Examiner Cardone for the telephone interview conducted on Friday, May 9, 2008. During the telephone interview, Applicant's attorney, Damon Kruger, along with Elizabeth Zehr, discussed the §101 rejection as well as claims 21 and 25 which were rejected under §103(a) in the pending Office Action.

Applicant's attorney presented arguments addressing the elements recited in claims 21 and 25. Specifically, Applicant submits that claims 21 and 25 are not taught by the relied upon art. Applicant's attorney understood the Examiner to agree that claims 21 and 25 would overcome the rejections of the cited art. Applicant thanks the Examiner for this indication and has presented claim 21 and 25 accordingly along with the arguments presented during the telephone interview.

Applicant thanks the Examiner for considering the above arguments. These, and other remarks, are included below under their respective sections to assist the Examiner in more fully understanding the Applicant's position on the rejections under §103(a).

#### ***Rejections under 35 U.S.C. §101***

The Office rejected claims 1-7 under 35 U.S.C. §101 as directed to non-statutory subject matter. First, Applicant has amended the specification to remove the reference to "communications media". Second, Applicant has written claim 21 to recite "One or more computer readable *storage* media storing computer-implementable instructions that cause one or more processors to perform acts comprising" in order to overcome the non-statutory subject matter rejections of the type asserted by the Office. (Emphasis added). Claims 22-27 depend from claim 21. In light of the amendments presented herein, Applicant respectfully submits that these claims comply with the patentability requirements of §101. Accordingly, the Office is respectfully requested to withdraw these rejections.

#### ***Rejections under 35 U.S.C. §103(a)***

The Office rejected claims 1, 8-10, and 12-15 under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Beerman. The Office further rejected claims 2-7,

11, and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Tanaka in view of Beerman, in further view of Torvinen. Applicant respectfully submits newly presented claims 21-41 are allowable for the reasons stated below.

**Claim 1 (now claim 21)**

Applicant's newly presented claim 21 recites:

One or more computer readable storage media storing computer-implementable instructions that cause one or more processors to perform acts comprising:

determining whether a queue for a targeted recipient of a new message has more than a message queue threshold number of messages, the new message having one or more fields that identify a sender attribute of the new message;

when the queue includes more than the message queue threshold number of messages:

deleting one of the messages from the queue when an attribute message count exceeds a sender attribute threshold, the attribute message count including messages in the queue containing the sender attribute of the new message; and

adding the new message to the queue.

Tanaka either singly or in view of the above cited art fails to teach or suggest the recitations of claim 21. Specifically, Tanaka in view of Beerman fails to teach or suggest, "deleting one of the messages from the queue when an attribute message count exceeds a sender attribute threshold."

Tanaka generally pertains to displaying messages exchanged between players of a video game. The messages are displayed in a chat window that "is sequentially enlarged up to a preset maximum number of lines when a new message is received from the game server apparatus." (Abstract). Specifically, the chat window displays "[c]ommunications among the players" as well as "[i]nformation, which the non-player characters give the player character, and information, which indicates a result of the battle." (Paragraph [0037]). Furthermore, when the number of messages in the chat window display has

reached the preset maximum number of lines, "the oldest message displayed at the uppermost position of the chat window 350 is deleted." (Paragraph [0090]). Thus, Tanaka teaches deleting the oldest message displayed in the chat window. Deleting the oldest message in the chat window is not the equivalent of "deleting one of the messages from the queue when an attribute message count exceeds a sender attribute threshold." The chat window of Tanaka contains messages from multiple senders and thus there is nothing in Tanaka that teaches or suggests distinguishing which messages in the chat window are from which senders.

Beerman generally pertains to "communicating electronic messages between a remote device and a messaging server over telephone lines using acoustic coupling." The communicated message is "received by the remote device via the acoustic coupling between the remote device and the telephone network." (Abstract). Furthermore, "[f]iltering may be performed on various aspects of a message such as the name of the sender . . . Several types of filtering schemes may be supported, such as . . . discarding messages that meet a filter criteria." (Column 14, lines 11-18).

In Beerman, first the messages arrive at the mail subsystem. (Figure 5, step 160). Next, "the mail processing subsystem 92 determines the remote device to which the message is to be transmitted." (Column 13, lines 37-39; Figure 5, step 162). Next, the "mail processing subsystem 92 may perform filtering." (Column 14, lines 9-10; Figure 5, step 164). As illustrated by Figure 5, the messages are filtered as they are received by the processing subsystem. There is nothing in Beerman that teaches "deleting one of the messages from the queue when an attribute message count exceeds a sender attribute threshold." Since Beerman simply deletes messages as they are being filtered, there is nothing in Beerman that teaches or suggests an "attribute message count".

Therefore, Applicant respectfully requests reconsideration and withdrawal of the

rejection to claim 21.

**Claims 2-7 (now claims 22-27)**

Claims 22-27 depend from independent claim 21 and are thus allowable for at least the same reasons as claim 21. Although all dependant claims may recite limitations not taught by the above cited references, only a few of the claims are discussed below for sake of brevity.

Claim 22 recites:

One or more computer readable media as recited in claim 21, wherein deleting one of the messages from the queue when an attribute message count exceeds a sender attribute threshold comprises:

determining whether the number of messages in the queue having the sender attribute of the new message exceeds the sender attribute threshold number of messages;

deleting the oldest message in the queue when the attribute message count does not exceed the sender attribute threshold; and

deleting the oldest message in the queue having the sender attribute of the new message when the attribute message count exceeds the sender attribute threshold.

Tanaka either singly or in view of the above cited art fails to teach or suggest the recitations of claim 22 for at least two reasons. The Office recites: "Tanaka does not specifically disclose based on a sender of the new message." (Office Action, page 4, lines 9-10).

First, Tanaka in view of the cited art fails to teach or suggest "determining whether the number of messages in the queue having the sender attribute of the new message exceeds the sender attribute threshold number of messages." Beerman teaches: "Filtering may be performed on various aspects of a message such as the name of the sender . . . Several types of filtering schemes may be supported, such as . . . discarding messages that meet a filter criteria." (Column 14, lines 11-18). The filtering scheme of

Beerman involves "discarding messages that meet a filter criteria", which requires that the messages be discarded as they are received. Since the messages are simply discarded as they are received, Beerman neither teaches nor suggests determining how many messages are sent from the sender of the new message. Thus, Beerman fails to teach or suggest "determining whether the number of messages in the queue having the sender attribute of the new message exceeds the sender attribute threshold number of messages" as recited in Applicant's claim 22. Torvinen fails to remedy the deficiencies of Tanaka and Beerman.

Torvinen generally pertains to "automatically receiving, parsing, and sorting received messages according to the message type." (Abstract). Specifically, Torvinen teaches: characterizing the class of the message "as one of personal, advertisement, informational, or automatic. Once the message class has been determined, the message may subsequently be transferred to commercial queue 406 or personal queue." (Paragraph [0037]). Torvinen further teaches dividing a message display "between a commercial display area and a non-commercial display area" so that "[t]he first four message locations of display 500, for example, are configured to display four commercial messages contained within the commercial queue." (Paragraph [0045]).

Displaying four commercial messages from the commercial queue is not the equivalent of "determining whether the number of messages in the queue having the sender attribute of the new message exceeds the sender attribute threshold number of messages." Torvinen *assumes* that the number of messages in the commercial queue is equal to or exceeds the number display locations dedicated to displaying messages from the commercial queue rather than *determining* "whether the number of messages in the queue having the sender attribute of the new message exceeds the sender attribute threshold number of messages."

Second, Tanaka in view of the cited art fails to teach or suggest "deleting the oldest message in the queue *having the sender attribute of the new message* when the attribute message count exceeds the sender attribute threshold." (Emphasis added). Although Tanaka teaches deleting the oldest message of the chat window when the chat window contains a threshold number of messages, Tanaka fails to teach or suggest "deleting the oldest message in the queue *having the sender attribute of the new message* when the attribute message count exceeds the sender attribute threshold." Again, Tanaka fails to distinguish which messages in the chat window are from which senders. Since the chat window of Tanaka potentially contains messages from multiple senders, deleting the oldest message of the chat window is to delete the oldest message regardless of whether the deleted message satisfies any criteria.

Beerman fails to remedy the deficiencies of Tanaka. The filtering scheme of Beerman involves "discarding messages that meet a filter criteria", which requires that the messages be discarded as they are received. Discarding messages as they are received is to delete the *newest* message in the queue rather than "deleting the *oldest* message in the queue *having the sender attribute of the new message* when the attribute message count exceeds the sender attribute threshold." (Emphasis added).

Torvinen fails to remedy the deficiencies of Tanaka and Beerman. Torvinen teaches: "user configuration 408 may allow the write pointer to overtake the read pointer such that the oldest of the commercial messages contained within the commercial queue 406 are overwritten by newly arriving commercial messages." (Paragraph [0041]). The commercial queue of Torvinen contains messages "received from, for example, various commercial services" such that to delete the oldest of the commercial messages contained within the commercial queue is to delete the oldest message regardless of the sender. (Paragraph [0039]). To delete the oldest message regardless of the sender is not the

equivalent of "deleting the oldest message in the queue *having the sender attribute of the new message* when the attribute message count exceeds the sender attribute threshold" as recited in Applicant's claim 22. (Emphasis added).

Claim 25 recites:

One or more computer readable media as recited in claim 21, wherein the sender attribute includes a sender title and a sender name, and wherein deleting one of the messages from the queue based on the sender attribute of the new message includes:

deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold, the attribute title count including messages in the queue containing the sender title of the new message; and

deleting a message having the sender name of the new message when the attribute title count does not exceed the attribute title threshold and when an attribute name count exceeds an attribute name threshold, the attribute name count including messages in the queue containing the sender name of the new message.

Tanaka either singly or in view of the above cited art fails to teach or suggest the recitations of claim 25. Specifically, Tanaka in view of Beerman in further view of Torvinen fails to teach or suggest, "deleting a message having the sender name of the new message *when the attribute title count does not exceed the attribute title threshold and when an attribute name count exceeds an attribute name threshold.*" (Emphasis added).

As stated above in response to the rejection of claim 22, Torvinen teaches dividing a message display "between a commercial display area and a non-commercial display area" so that "[t]he first four message locations of display 500, for example, are configured to display four commercial messages contained within the commercial queue." (Paragraph [0045]). Displaying four commercial messages from the commercial



queue is not the equivalent of "deleting a message having the sender name of the new message when the attribute title count does not exceed the attribute title threshold and when an attribute name count exceeds an attribute name threshold" which requires both an "attribute title count including messages in the queue containing the sender title of the new message" and an "attribute name count including messages in the queue containing the sender name of the new message."

**Claims 8-13 (now claims 28-33)**

Applicant's newly presented claim 28 recites:

A method for intelligent message deletion, the method comprising:  
determining whether a queue for a targeted recipient of a new message has more than a message queue threshold number of messages, the new message having one or more fields that identify a sender attribute of the new message;  
when the queue includes more than the message queue threshold number of messages, then:  
determining an attribute message count in the queue including messages in the queue containing the sender attribute of the new message;  
when the attribute message count does not exceed a sender attribute threshold, deleting the oldest message in the queue; and  
when the attribute message count exceeds the sender attribute threshold, deleting the oldest message in the queue having the sender attribute; and  
adding the new message to the queue.

Applicant respectfully submits that Tanaka in view of the cited art fails to teach or suggest the recitations of claim 28. Specifically, Tanaka in view of the cited art fails to teach or suggest "*determining an attribute message count in the queue including messages in the queue containing the sender attribute of the new message*". (Emphasis added). Applicant incorporates the reasoning presented above in response to the rejection of claim 21. Specifically, Tanaka teaches determining how many messages are in the

chat window which is not the equivalent of "determining an attribute message count" since the chat window of Tanaka contains messages received from various senders. In addition, Beerman fails to remedy the deficiencies of Tanaka.

Specifically, Beerman teaches filtering messages based on various aspects of a message such as the name of the sender. Since, the messages are filtered as they are received by the processing subsystem, there is no teaching or suggestion of "determining an attribute message count." Furthermore, Torvinen fails to remedy the deficiencies of Tanaka and Beerman.

Torvinen teaches "user configuration 408 may allow the write pointer to overtake the read pointer such that the oldest of the commercial messages contained within the commercial queue 406 are overwritten by newly arriving commercial messages." (Paragraph [0041]). Overwriting "the oldest of the commercial messages contained within the commercial queue" is not the equivalent of "determining an attribute message count" as recited in Applicant's claim 28.

Claims 29-33 depend from independent claim 28 and are thus allowable for at least the same reasons as claim 28. Although claims 29-33 provide limitations which are not taught by the cited reference, only claim 29 is specifically addressed.

Claim 29 recites: "A method as recited in claim 28, wherein the targeted recipient is an address identifying a user, *the address being independent from any particular client device.*" (Emphasis added). Tanaka either singly or in view of the above cited art fails to teach or suggest the recitations of claim 29. Tanaka teaches "the control section 203 causes the communications interface 215 to transmit all received messages to all video game apparatuses." (Paragraph [0064]). Transmitting "all received messages to all video game apparatuses" is not the equivalent of "wherein the targeted recipient is an address identifying a user, the address being independent from any particular client device."

Further, Beerman fails to remedy the deficiencies of Tanaka.

Beerman teaches "a mailstore database is maintained for each remote device and typically contains messages addressed to remote device." (Column 8, lines 9-11). Thus, in Beerman, the messages are addressed to specific remote devices rather than to the users of the remote devices. Sending messages to remote devices is not the equivalent of "the address being independent from any particular client device" as recited in claim 9. Beerman further teaches "one or more E-mail addresses may be mapped to a common remote device identifier, indicating that the remote device is shared by more than one user." (Column 13, lines 49-51). However, even if the same remote device contains multiple addresses, the messages are still sent to an addresses identifying a remote devices which is not the equivalent of "the address being independent from any particular client device" which allows for a single user to receive messages from multiple remote devices. Finally, Torvinen fails to remedy the deficiencies of Tanaka and Beerman.

Torvinen teaches "messages are sent by mobile terminal 102 for delivery to mobile terminal 116 ... Either the address of mobile terminal 102 or a token representing the address of mobile terminal 102 is provided." (Paragraph [0033]). In Torvinen, like Beerman, the messages are addressed to mobile terminals. Sending messages to mobile terminals is not the equivalent of "wherein the targeted recipient is an address identifying a user, *the address being independent from any particular client device*" as recited in claim 9. (Emphasis added).

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections to claims 28-33. The amendments to claim 29 are supported in the specification at least by page 5, line 19 and page 8, lines 3-5. No new matter has been added.

**Claims 14-20 (now claims 34-40)**

Applicant's newly presented claim 34 recites:

A system comprising:  
a memory to store a queue; and  
an intelligent message deletion module to:  
add a newly received message to the queue, the newly received message having one or more fields identifying a sender attribute of the newly received message; and  
delete a previously received message from the queue when the queue includes more than a message queue threshold number of messages, the intelligent message deletion module deleting the previously received message based on the sender attribute of the newly received message.

Applicant respectfully submits that Tanaka in view of the cited art fails to teach or suggest the recitations of claim 34. Applicant incorporates the reasoning presented above in response to the rejection of claims 21 and 28. Specifically, the cited art fails to teach or suggest "deleting the previously received message based on the sender attribute of the newly received message."

Claims 35-40 depend from base claim 34 and are thus believed allowable at least for their dependency on an allowable base claim. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejections to claims 34-40.

**Claim 41**

Applicant's newly presented claim 41 recites:

One or more computer readable media storing computer-implementable instructions that cause one or more processors to perform acts comprising:

determining whether a queue for a targeted recipient of a new message has more than a message queue threshold number of messages, the new message having one or more fields that identify a sender title and a sender name of the new message;

when the queue includes more than the message queue threshold number of messages:

deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold, the attribute title count including messages in the queue containing the sender title of the new message; and

deleting a message having the sender name of the new message when the attribute title count does not exceed the attribute title threshold and when an attribute name count exceeds an attribute name threshold, the attribute name count including messages in the queue containing the sender name of the new message; and

adding the new message to the queue.

Applicant respectfully submits that newly added claim 41 is allowable over the relied upon references for at least two reasons. First, Tanaka in view of the cited art fails to teach or suggest "deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold." Tanaka teaches determining how many messages are in the chat window. Since the chat window of Tanaka contains messages from players as well as non-players, determining how many messages are in the chat window is not the equivalent of "deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold." Beerman fails to remedy the deficiencies of Tanaka.

Beerman teaches filtering messages based on various aspects of a message such as the name of the sender. Since, the messages are filtered as they are received by the processing subsystem, there is no teaching or suggestion of "deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold." Torvinen fails to remedy the deficiencies of Tanaka and Beerman.

Torvinen teaches overwriting "the oldest of the commercial messages contained within the commercial queue." Overwriting the oldest message is not the equivalent of "deleting a message having the sender title of the new message when an attribute title count exceeds an attribute title threshold."

Second, Tanaka in view of the cited art fails to teach or suggest "deleting a message having the sender name of the new message when the attribute title count does not exceed the attribute title threshold and when an attribute name count exceeds an attribute name threshold." Therefore, Applicant respectfully request favorable consideration of newly added claim 41.

CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and withdrawal of the rejections of claims 21-41 and allowance of same. If there are any remaining matters that may be handled by telephone conference, the Examiner is kindly invited to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Dated: 2008-05-09

By: \_\_\_\_\_

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